IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.8 OF 2006
IN
CIVIL REVISION APPLICATION ST.NO.2388 OF 2003

Shri Surendralal C. Shah. ..Applicant.

V/s.

Uruli Kanchan Gramin Biggar Sheti
Sahakari Pat Sanstha, Maryadit & Anr. ..Respondents.

Ms.Sulabha S. Shah with Mr.S.R.Page for
Mr.M.B.Baadkar for applicant.

Mr.G.S.Godbole for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 22, 2006.

P.C. :

1. This application is to bring on record heirs and legal representatives of deceased petitioner. Indeed there is delay of one year and 326 days. The respondents were served as back as on 27th February, 2006 which position is candidly conceded by the counsel appearing for the respondent. Mr. Godbole however, submits that he has received instruction to appear in the matter only this morning and would like to take instruction from the respondent on the point of delay. As mentioned earlier as the respondent was served almost one month back and no reply has been filed, the question of granting adjournment does not

arise. The assertion made in the application have remained uncontroverted. I am inclined to allow this application in the interest of justice. Accordingly, application is allowed in terms of prayer clause (a),(b) and (c). Amendment to be carried out within two weeks.

2. It is made clear that this order is not an expression of opinion on the maintainability of the revision application which preliminary objection is likely to be raised by the respondent as indicated through his counsel.